

REMARKS

Claims 1, 8, 16, and 23 have been amended. Claims 31-58 have been added. No new matter has been added.

The amendments to claims 1, 8, 16, and 23 are to correct errors that would have been obvious to one of ordinary skill in the art, because as written these claims do not make logical sense: it is impossible for a seed mixture to consist of 100%-50% of a first transgenic seed and 100%-50% of a second transgenic seed. The amendments to these claims corrects this error. Further support for the amendments of claims 1, 8, 16, and 23 may be found throughout the specification, including at least page 19, lines 6-12.

New claims 31-58 are likewise supported by the specification as filed. For example, support for the Cry 9 protein in claims 31-32, 39, 45-46 and 53 may be found in at least U.S. Patent No. 6,023,013, col. 4, l. 63- col. 5, l. 1; this patent is mentioned in the application as filed on p. 4, l. 2, and is incorporated by reference in its entirety on p. 22, ll. 17-20. Additionally, support for the Cry 2 protein in claims 33-36, 41-44, 47-50, and 55-58 may be found in at least U.S. Patent No. 6,023,013, col. 4, ll. 37-42.

Further, support for the Vip3A protein in claims 35-37, 43-44, 49-51, and 57-58 may be found in at least U.S. Patent No. 5,877,012, col. 2, ll. 50-58; this patent is mentioned in the application as filed on p. 5, ll. 7-11, and is incorporated by reference in its entirety on p. 22, ll. 17-20. The application as filed also discloses stacking of two or more transgenic events in a single plant as claimed in new claims 35-44 and 49-58 at least at p. 13, ll. 17-24.

Accordingly, no new matter has been added, and the amended and new claims comply with the requirements of § 112. Applicant respectfully requests that these amendments be entered into the record.

Please charge Deposit Account No. 26-0084 in the amount of \$1,400.00 to cover the cost of adding 28 new claims over 20. No other fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Consideration and allowance is respectfully requested.

Respectfully submitted,



KURT R. VAN THOMME, Reg. No. 58,320
McKEE, VOORHEES & SEASE, P.L.C.
801 Grand Avenue, Suite 3200
Des Moines, Iowa 50309-2721
Phone No: (515) 288-3667
Fax No: (515) 288-1338
CUSTOMER NO: 27142

Attorneys of Record

- KVT/pw -